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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,510

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Hugues Escarguel

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YOUNG & THOMPSON

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EXAMINER

CENTOLANZI, PATRICK M

ART UNIT

PAPER NUMBER

4165

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,510	Applicant(s) ESCARGUEL, HUGUES	
	Examiner PATRICK CENTOLANZI	Art Unit 4165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/09/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following correspondence is a first Office Action Non-Final on the merits of the instant application received June 9, 2006. Claims 1 – 12 as preliminarily amended in the original filing are pending.

Election/Restrictions

1. Applicant's election with traverse of Group 1, Claim 1, drawn to a Pedal Powered Vehicle in the reply filed on June 13, 2008 is acknowledged. However, the restriction requirement has been withdrawn in view of applicant traversal.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman (6,203,043) in view of Salmon (4,700,962), and further in view of Chernoff (6,726,438).

As per Claim 1, Lehman teaches a four-wheeled pedal-powered vehicle (100), characterized in that its chassis comprises a central beam (102); the beam includes different members of the vehicle, in particular the steering column (112a and 112b; Column 4, Lines 21 through 23) and a crankset support located level with the axle of both front wheels, or slightly in front of or behind this axle, and mounted

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in such a way that each pedal is located on one side of the beam (crank shaft 116, Column 5, Lines 46 through 48, Figures 1 through 3), said beam being further connected to the rear wheel(s) (106, Column 3, Lines 42 and 43).

However, Lehman fails to explicitly disclose at least one horizontal frame, fixed to the front side of the beam, and the frame(s) are dimensioned such that the user's feet and part of his/her legs are located inside these frame(s) during pedaling, the frame(s) forming, on each side, two stacked horizontal side members, onto which one of the front wheel(s) of the vehicle is mounted.

Salmon teaches a rowing type vehicle with a horizontal frame (10) fixed to the front side of a central beam (50). Salmon further teaches a pair of foot supports (55) located within the frame.

Therefore, from the teaching of Salmon, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Lehman to include the frame which is horizontal, is fixed to the front of a central beam, and surrounds the rider's feet, as taught by Salmon. This would protect the feet of the rider.

Chernoff teaches a stacked chassis arrangement (Figures 1 and 3).

Therefore, from the teaching of Chernoff, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman and Salmon combination to include a stacked frame arrangement as taught by

Chernoff. This would allow a traditional two-wheel front suspension to be mounted to the frame.

As per Claim 2, the Lehman, Salmon and Chernoff combination of Claim 1 discloses the elements of the claimed invention.

Lehman further teaches a vehicle, characterized in that it comprises a seat (104) mounted on the beam (102), conformed in order to receive the user in a substantially sitting position, slightly tilted rearwards (semi-recumbant; Column 3, Lines 40 - 45).

As per Claim 3, the Lehman, Salmon and Chernoff combination of Claim 1 discloses the elements of the claimed invention.

Lehman further teaches a vehicle, characterized in that each side of a frame (/beam 102 and vertical member 131) comprises a suspension triangle (upper and lower a-arms, 140a, 140b, 142a and 142b; Figures 3 and 4; Column 4, Lines 38 - 42) pivotably mounted relatively to it around a longitudinal axis, both triangles located on a same side being connected to a part including the wheel, and a damper (spring 145) being placed between this part (steering knuckles 144) and one of the side members of the frame(s) (102 and 131).

As per Claim 4, the Lehman, Salmon and Chernoff combination of Claim 1 discloses the elements of the claimed invention.

Lehman further teaches a vehicle, characterized in that the rear wheels (106) are mounted on an arm (swing arm 152) pivotably connected at the rear end of the beam (102) so that this arm may swing in a vertical plane (Column 5, Lines 34 - 38), a damper (spring 166) being placed between this swinging arm and the beam.

As per Claim 12, the Lehman, Salmon and Chernoff combination of Claim 2 discloses the elements of the claimed invention.

Lehman further teaches a vehicle, characterized in that each side of a frame (beam 102 and vertical member 131) comprises a suspension triangle (upper and lower a-arms, 140a, 140b, 142a and 142b; Figures 3 and 4; Column 4, Lines 38 - 42) pivotably mounted relatively to it around a longitudinal axis, both triangles located on a same side being connected to a part including the wheel, and a damper (spring 145) being placed between this part (steering knuckles 144) and one of the side members of the frame(s) (102 and 131).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Lehman, Salmon, and Chernoff combination as applied to claim 4 above, and further in view of Thompson (4,494,622).

The Lehman, Salmon, and Chernoff combination discloses all of the elements of the claimed invention, but fails to explicitly disclose a two chain transmission system with a pinion mounted coaxial with the pivot of the swing arm.

Thompson teaches a power transmission system for chain drive vehicles, characterized in that the vehicle comprises a primary transmission formed by a chain (38; Figure 4) extending between at least one chainwheel of the crankset (drive sprocket 12; Figure 4), and at least one pinion (idle sprocket 36; Figure 4) coaxial with the pivot axis of the swinging arm (Column 4, Lines 33 - 45; Figure 4), and a secondary transmission formed by a chain (40) extending between at least one pinion rotationally integral with the pinion(s) of the primary transmission (idle sprocket 36), and at least

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one pinion rotationally integral with the rear wheel(s) (rear wheel sprocket 30; Column 4; Lines 24 - 27).

Therefore, from the teaching of Thompson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman, Salmon and Chernoff combination to include the two chain transmission system with a pinion mounted coaxial with the pivot of the swing arm as taught by Thompson. This would allow the rear suspension to move up and down freely, unaffected by the chain's tension, and would allow the chains to be of constant length.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Lehman, Salmon, and Chernoff combination as applied to claim 1 above, and further in view of Iwai (4,392,536).

The Lehman, Salmon, and Chernoff combination discloses all of the elements of the claimed invention, but fails to explicitly disclose a rear swing arm with a bore that accepts an axle.

Iwai teaches a vehicle, characterized in that the beam or the swinging rear arm (11; Column 2, Line 65 to Column 3, Line 8; Figures 2 - 4, and 7), comprises a transverse bore (bearing member 13; Column 3, Lines 2 - 8; Figures 3 - 5, and 7) which may receive (either a short shaft supporting a single rear wheel, or) a long shaft (rear axle 18; Figures 5 and 7) which may receive two wheels (17).

Therefore, from the teaching of Iwai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman, Salmon and Chernoff combination to include the swing arm and axle as taught

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by Iwai. This would allow the use of a low cost and simple rear suspension that has active suspension (a damper).

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lehman, Salmon, and Chernoff combination as applied to claim 1 above, and further in view of Rettger (5,551,719).

The Lehman, Salmon, and Chernoff combination discloses all of the elements of the claimed invention, but fails to explicitly disclose a tilting steering column.

Rettger teaches a pedal-propelled vehicle, characterized in that it comprises a tilted steering column, and that it comprises means for adjusting the length and/or the tilt of this steering column (the tilt of steering column or shaft 64 is adjusted by clamp mechanism 170; Column 4; Lines 17 - 19; Column 5, Lines 40 - 44; Figures 1, and 6 - 8).

Therefore, from the teaching of Rettger, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman, Salmon and Chernoff combination to include a tilting steering column as taught by Rettger. This would allow the position of the steering to be adjusted.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Lehman, Salmon, and Chernoff combination as applied to claim 1 above, and further in view of Matsuura (3,913,929).

The Lehman, Salmon, and Chernoff combination discloses all of the elements of the claimed invention, but fails to explicitly disclose an adjustable crankset.

Matsuura teaches a cycle, characterized in that the beam includes a series of holes making it possible to adjust the position of the crankset according to the morphology of the user (Column 4, Lines 10 - 14; Figures 4 and 5).

Therefore, from the teaching of Matsuura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman, Salmon and Chernoff combination to include an adjustable crankset as taught by Matsuura. This would allow the position of the crankset to be adjusted.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Lehman, Salmon, and Chernoff combination as applied to claim 4 above, and further in view of Paoletti (3,227,436).

The Lehman, Salmon, and Chernoff combination discloses all of the elements of the claimed invention, but fails to explicitly disclose a series of holes used to adjust the rear suspension.

Paoletti teaches a spring construct including a series of holes making it possible to adjust the tilt of the damper and consequently the stiffness of the rear suspension formed by this damper, as well as the height of the rear part of the vehicle (a series of holes 24a is used to adjust the position of portion 23 of spring 13).

Therefore, from the teaching of Paoletti, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman, Salmon and Chernoff combination to include a an adjustable rear suspension as taught by Paoletti. This would allow the stiffness and height of the rear suspension to be adjusted.

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9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Lehman, Salmon, and Chernoff combination as applied to claim 1 above, and further in view of Allen (4,657,270).

The Lehman, Salmon, and Chernoff combination discloses all of the elements of the claimed invention, but fails to explicitly disclose an adjustable seat.

Allen teaches a tricycle, characterized in that it includes means making it possible to adjust the height of the seat as well as the longitudinal position of this seat (84; Column 7, Lines 13 - 24; Figures 1 - 3, and 11).

Therefore, from the teaching of Allen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of the Lehman, Salmon and Chernoff combination to include a an adjustable seat as taught by Allen. This would allow the seat to be adjusted.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 4,611,818 discloses a collapsible, two-wheeled vehicle with a tilting steering column.

French Patent 910,287 discloses a human-powered vehicle with a frame with a central beam and a horizontal portion surrounding the rider's feet.

US Patent 6,247,714 discloses a human-powered vehicle with a frame comprised of a central beam.

US Patent 4,966,381 discloses a pedal-powered vehicle with a frame that surrounds the rider's feet.

German Patent 2,922,691 discloses a pedal-powered vehicle with a central beam frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK CENTOLANZI whose telephone number is (571) 270-5791. The examiner can normally be reached on Monday - Thursday, 7:30 AM - 5:00 PM; Selected Fridays, 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PATRICK CENTOLANZI
Examiner
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/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4165